

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**Soverain Software, LLC  
Plaintiff**

**vs.**

**CDW Corporation,  
Newegg Inc.,  
Systemax, Inc.,  
Tiger Direct Inc., and  
Zappos.com, Inc.  
Defendants**

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**Civil Action No. 6:07-cv-511 (LED)**

**Jury Trial Demanded**

**Defendant Newegg, Inc.'s Unopposed Motion to Amend the Docket Control Order**

Defendant, Newegg Inc. ("Newegg"), hereby moves the Court to amend the First Amended Docket Control Order (Doc. No. 124) for the limited purpose of extending the deadline by which the parties must comply with P.R. 4-1 and respectfully shows:

1. The current deadline for the parties to exchange proposed claim terms, phrases, or clauses in compliance with P.R. 4-1 is September 19, 2008. Newegg seeks an extension of that deadline until October 31, 2008. As captioned above, this motion is unopposed by the parties.

2. This motion is submitted in good faith and not for the purpose of delay. The Markman hearing is scheduled for May 29, 2009 and trial is scheduled for February 8, 2010. This request for extension will not affect the Markman or trial dates and should have no affect on the remaining deadlines set by the Court.

WHEREFORE, Defendant, Newegg, Inc., requests that the Court extend to October 31, 2008 the deadline by which the parties are to comply with P.R. 4-1.

Dated: September 16, 2008

By: /s/ Trey Yarbrough

Trey Yarbrough

Texas Bar No. 22133500

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Attorneys for Defendant

Newegg Inc.

**Certificate of Service**

The undersigned hereby certifies that all counsel who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 16<sup>th</sup> day of September, 2008. All other counsel of record not deemed to have consented will be served via fax or first class mail, postage prepaid.

/s/ Trey Yarbrough

Trey Yarbrough